

LPC# 031 600 5445 Cook County
Valspar Paint
ILD 081040107
SF/HRS



Prepared by:
Office of Site Evaluation
Division of Remediation Management
Bureau of Land

EPA Region 5 Records Ctr.



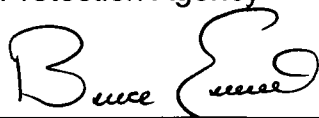
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SIGNATURE PAGE

Title: CERCLA Site Reassessment ^{Other Cleanup Activity Report} for Valspar Paint

^{229 Ripley}
03/24/2008

Preparer: Bruce Everetts, Office of Site Evaluation, Illinois Environmental Protection Agency




2-14-08

Signature

Date

Reviewer: Tom Crause, Office Manager, Office of Site Evaluation, Illinois Environmental Protection Agency

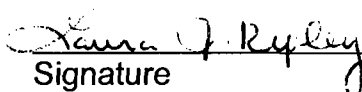


2/20/08

Signature

Date

Approval: Laura J. Ripley, Environmental Scientist, United States Environmental Protection Agency, Region 5



03/24/2008

Signature

Date

The approval signatures on this page indicate that this document has been authorized for information release to the public through appropriate channels. No other forms or signatures are required to document this information release.

**CERCLA
Site Reassessment –
Other Cleanup Authority**

for:

**Valspar Paint
Chicago, Illinois
ILD 081040107**

**PREPARED BY:
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
BUREAU OF LAND
DIVISION OF REMEDIATION MANAGEMENT
OFFICE OF SITE EVALUATION**

February 14, 2008

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Section 1.0 Introduction

On April 11, 2007, the Illinois Environmental Protection Agency's (Illinois EPA) Office of Site Evaluation was tasked by the Region V Offices of the United States Environmental Protection Agency (U.S. EPA) to conduct a Site Reassessment at the Valspar Paint (Valspar) site located in Chicago, Illinois. The Site Reassessment is performed under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) commonly known as Superfund.

Current U.S. EPA policy stipulates that a Site Reassessment be conducted to determine the current status of the Valspar site. The Site Reassessment will consist of an evaluation of recent information to determine if further Superfund investigations are warranted. The Site Reassessment will supplement previous work, and is not intended to replace previous CERCLA assessments.

The Site Reassessment is designed to evaluate recent information that will help determine if the site qualifies for possible inclusion on the National Priorities List (NPL), or should receive a No Further Remedial Action Planned (NFRAP) designation. At the conclusion of the reassessment process Illinois EPA will recommend that the site be given a NFRAP designation, receive further Superfund investigation, or referred to another state or federal cleanup program.

The Valspar site was initially placed on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database on February 19, 1991. Illinois EPA conducted a Preliminary Assessment in 1992 with a recommendation to continue evaluating the site under CERCLA authority. In 1994,

Illinois EPA completed a Screening Site Inspection and assigned a low priority recommendation to the Valspar site.

The Site Reassessment Report will describe current site conditions and illustrate how the site has changed since the last CERCLA investigation in 1994. This report will contain a summary of existing information that will include site history, current site conditions, evaluate past analytical data, and evaluate past remedial activities. The Site Reassessment will also support emergency response or time-critical removal activities if they are warranted.

Section 2.0 Site Description and History

2.1 Site Description

The Valspar site was located at 1330 South Kilbourn in Chicago, Cook County, Illinois (Figure 1). The site occupied approximately 4.5 acres and can be found within the Northwest ¼ of the Southeast ¼ of the Northwest ¼ of Section 22, Township 39 North, Range 13 East of the Third Principle Meridian. Specifically, the coordinates of the site can be found at a latitude of 41° 51' 50.0" and a longitude of 87° 44' 10.0" (Figure 2).

Located in a mix of residential and industrial properties, the Valspar site in 1994 consisted of at least 44 separate structures ranging from one to seven stories in height. The site was partially fenced but did not keep individuals from entering the property. In 1994, the Valspar site was evaluated with a transient population of four full time individuals. Most of the exposed surface of the site was covered with concrete. At the

time of the Screening Site Inspection, small trees and weeds grew through many of the cracks throughout the site. Two rail lines accessed the property from the west.

On January 25, 2008, Illinois EPA conducted a site reconnaissance inspection of the Valspar site. The property is fenced along the eastern boundary and there are no buildings or other structures remaining on the property. Without the presence of buildings on the site, transients and other intruders are no longer applicable. The site is relatively flat with a slight slope toward the east (Kilbourn Avenue). The surface of the property is mostly covered by gravel, concrete, soil, or bricks. The area that contained the rail line is now covered by asphalt. There is one small pile of rubble located along the southwest portion of the property. It appears that a company located directly north of the site, MBE Industrial Fence, utilizes the northern portion of the Valspar site for employee parking. Photographs illustrating the latest site conditions can be found in Appendix B.

2.2 Operational History

According to numerous title searches conducted on the property, Armstrong Paint and Varnish Works, Incorporated operated at this facility from at least 1935 until the 1960's. Armstrong Chemcon, Incorporated became the owners of the property in 1969. Six months after the acquisition of the property by Armstrong Chemcon, the Anaheim Union Water Company became owners of the site. The facility was acquired by Ms. Joanne M. Jennings in July 1971, who placed the property into an American National Trust Number #75860. The beneficiary of the trust, Mr. Howard Conant, leased the facility to the Valspar Paint Company between 1976 and 1984. In 1984, all

operations ceased at the paint manufacturer and the property was donated to Goodwill Industries, Incorporated (Goodwill) of Cook County. Goodwill salvaged and sold usable material from the facility and utilized the building space to store paper bales. Goodwill was the owner of the facility at the time when the previous CERLCA Investigations took place.

While Valspar operated the facility, they used solvents, resins, oils, and pigments in the paint making process. The paint making facility was noted to have manufactured latex and solvent based consumer and industrial coatings, including alkyd resins. Most of the liquid material used in the paint making process was stored throughout the vast network of above ground and below ground storage tanks. Several types of Resource Conservation and Recovery Act (RCRA) hazardous wastes were used and/or stored on the property such as ignitable solids, corrosives, lead waste, and spent halogenated solvents. Near the end of their operational history, Valspar produced only latex paints.

In 1982, fire destroyed eleven structures on the Valspar site. Following the fire, physical conditions at the facility continued to decline until Valspar ceased operations in 1984. After donating the property to Goodwill in 1984, Valspar hired a consulting firm to inventory materials that were still on the site. The inventory discovered 328 above and below ground tanks while also identifying several immediate threats at the facility. Remedial activities followed that included the removal of lead dust, peeling lead paint, cleaning 81 above and below ground tanks, clean piping throughout the facility, and removal of some asbestos containing material.

In 1987, Illinois EPA inspected the facility and noted that some of the tasks reportedly accomplished in 1985 were not thoroughly completed. In 1990, five

additional buildings were partially burned due to arson. During that time, the facility continued to fall into a serious state of disrepair. In November 1991, Valspar, Goodwill, Howard Conant, and Illinois EPA entered into a consent agreement to address environmental concerns at the site.

2.3 CERCLA Investigative History

On February 19, 1991, the Valspar site was added to CERCLIS as a result of a request initiated by the Illinois EPA. The initial placement on CERCLIS occurred due to chemical substances associated with the paint and varnish manufacturing process and its potential impact upon the surrounding human populations. At the time of the initial discovery action, the site was abandoned and contained over 33 structures, over 300 above ground storage tanks, and at least 54 underground storage tanks.

On March 25, 1992, Illinois EPA completed a Preliminary Assessment of the Valspar site. The evaluation indicated that the facility was in a dilapidated state and posed a threat to trespassers and potentially to nearby residents. Illinois EPA recommended that the site continue through the CERCLA process and receive a Screening Site Inspection.

The Screening Site Inspection was initiated in April 1993 by Illinois EPA. During the Screening Site Inspection, 18 soil samples were collected from the abandoned paint manufacturer and nearby residential properties. The results of the Screening Site Inspection indicated that significant levels of contamination were present throughout the site and several tanks still contained hazardous materials. All of the contaminants were attributable to the paint manufacturing process. Numerous physical hazards were noted

at the site such as open elevator shafts, open pits, and a transient population of approximately four individuals. Attributable contamination of nearby residential properties could not be documented during the Screening Site Inspection. At the conclusion of the Screening Site Inspection a low priority was assigned and recommended that the owners of the facility enroll into Illinois EPA's Voluntary Cleanup Program. The responsible party's involvement in the Voluntary Cleanup Program is described in greater detail within Section 3.0 of the Site Reassessment Report.

Section 3.0 Other Cleanup Authorities and Activities

On February 28, 1992 an Interim Order on Consent (nos. 89-C-5116 and 89-C-9068) was entered into U.S. District Court. The parties involved in the Interim Order on Consent were Valspar, Goodwill, Howard Conant, and Illinois EPA. This document was the initial step that outlined specific recognized environmental conditions at the Valspar site. The Recognized Environmental Conditions (REC's) are listed below:

- 1 – Tanks, vessels, and associated piping containing residual materials;
- 2 – Lead-containing dust in production areas;
- 3 – Potential asbestos containing materials;
- 4 – Dust collectors potentially containing RCRA hazardous waste;
- 5 – Abandoned UST's with contaminated backfill;
- 6 – Potential releases to sewers;
- 7 – PCB contamination;
- 8 – Abandoned drums with unknown contents;
- 9 – IEPA sample results indicating soil contamination;
- 10 – Lead contaminated soil along rail spurs.

In order to address the recognized environmental conditions set forth in the Interim Order on Consent, a site specific workplan was submitted to Illinois EPA's Site Remediation Program in 1995 with final approval occurring in 1996. Remedial activities at the Valspar site began shortly after approval of the work plan.

Throughout the environmental cleanup, periodic updates in the form of remediation documentation reports were submitted to Illinois EPA. The reports document milestones and activities that took place during the cleanup. These reports can be found in Illinois EPA's Bureau of Land File for the Valspar site (LPC# 031 600 5445).

Most of the above and below ground storage tanks were removed from the site. In some instances, however, an underground storage tank was left in place. With approval from Illinois EPA, a tank may have been left in place if it was determined that the interior of the tank were clean and did not pose a threat to surrounding soils. The locations of the tanks left in place have been documented and are recorded in the Remedial Action Completion Report (September 1998).

Based upon the varying levels of contamination, soil concerns were addressed by removing the soil or by the use of engineered barriers. Engineered barriers were used in order to prevent contact with subsurface soil contamination. Bricks, gravel, concrete, asphalt, and clean soil were all used as engineered barriers for the Valspar site. Illinois EPA granted approval for each area in which an engineered barrier was used. The locations of each engineered barrier are illustrated on a site map located within the Remedial Action Completion Report. Several sewer lines adjacent to the Valspar site were cleaned and contents were properly disposed of.

In addition to the environmental cleanup that was taking place at the Valspar site, the buildings on the property were to be demolished. After the hazardous materials were removed from the buildings, the City of Chicago completed demolition of all structures on the property in July 1998.

On November 23, 1998, a Comprehensive No Further Remediation (NFR) letter was issued by Illinois EPA for the Valspar site (Appendix D). Issuance of the NFR signifies a release of the applicant from further responsibilities and that all REC's were addressed in the Remedial Action Completion Report. The remedial activities that took place suggest that the site does not constitute a threat to human health and the environment and does not require further remediation. The NFR will remain valid as long as all conditions set forth in the NFR are maintained. According to the latest file information, American National Bank & Trust Company of Chicago Trust No. 48495 is listed as the current property owner

The NFR letter states that future land use of the property is restricted to industrial/commercial. If future development takes place on the Valspar site, deed restrictions would require the developer to manage any disturbed contaminated soil in a proper manner. Groundwater use at the site is restricted because of an existing City of Chicago ordinance that prohibits the use of groundwater for drinking water purposes (Appendix C). The City of Chicago has been designated to maintain the engineered barriers on the Valspar site.

4.0 Summary and Conclusion

On April 6, 1995, an addendum to the Superfund Memorandum of Agreement (SMOA) was signed between Illinois EPA and U.S. EPA Region 5. The SMOA states that if a site has been remediated or made a no-action determination under a state cleanup program, the site will not be expected to require further response actions. Region 5 will not plan or anticipate any federal response action under Superfund law

unless the site poses an imminent threat or emergency situation. A copy of the SMOA can be found in Appendix E. In 1992, an Interim Order on Consent was signed by Valspar, Goodwill, Howard Conant, and Illinois EPA. The Interim Order on Consent resulted in the investigation, remediation, and issuance of a Comprehensive NFR letter on November 23, 1998 by Illinois EPA. On December 8, 1999, Illinois EPA drafted a letter to U.S. EPA that the Valspar site was being handled by the states' Site Remediation Program.

Although some soil contamination has been left in place at the site, deed restrictions and engineered barriers will prevent exposure to human health and the environment. Any soil contamination that has been left on site is below two feet or beneath a maintained engineered barrier. Deed restrictions will prevent any future development of the property from excavating any hazardous material without an approved health and safety plan. These deed restrictions are placed with the title of the property and will be part of any future property transactions.

Originally, the main threat posed from the site was exposure to a resident population and nearby residents (Appendix A - 4-Mile Radius Map). Demolition of the buildings has reduced the risk of harboring transients. Remedial activities that have taken place at the Valspar site have reduced the risk of exposure to soil contamination by preventing material left on the property from migrating to nearby residential properties. The nearest surface water route originates over two and one-half miles south of the Valspar property and is not determined to be applicable to the site. Groundwater use for drinking purposes is prohibited by a City of Chicago ordinance.

The Valspar site is subject to the provisions of the federal/state agreement set forth in the addendum to the SMOA. If the terms and conditions of the NFR continue to be upheld, the site does not pose a threat to human health and the environment.

Section 5.0 References

Federal Register, Part II, Environmental Protection Agency, 40 CFT Part 300;
December 14, 1990.

Illinois Environmental Protection Agency, Bureau of Land; File for Valspar Paint, LPC #
0316005445.

Summary of the Geology of the Chicago Area, Illinois State Geological Survey, H.B.
Willman, Circular 460, 1971.

Glacial Drift in Illinois: Thickness and Character, Illinois State Geological Survey, Piskin
and Bergstrom, Circular 490, 1975.

FIGURES

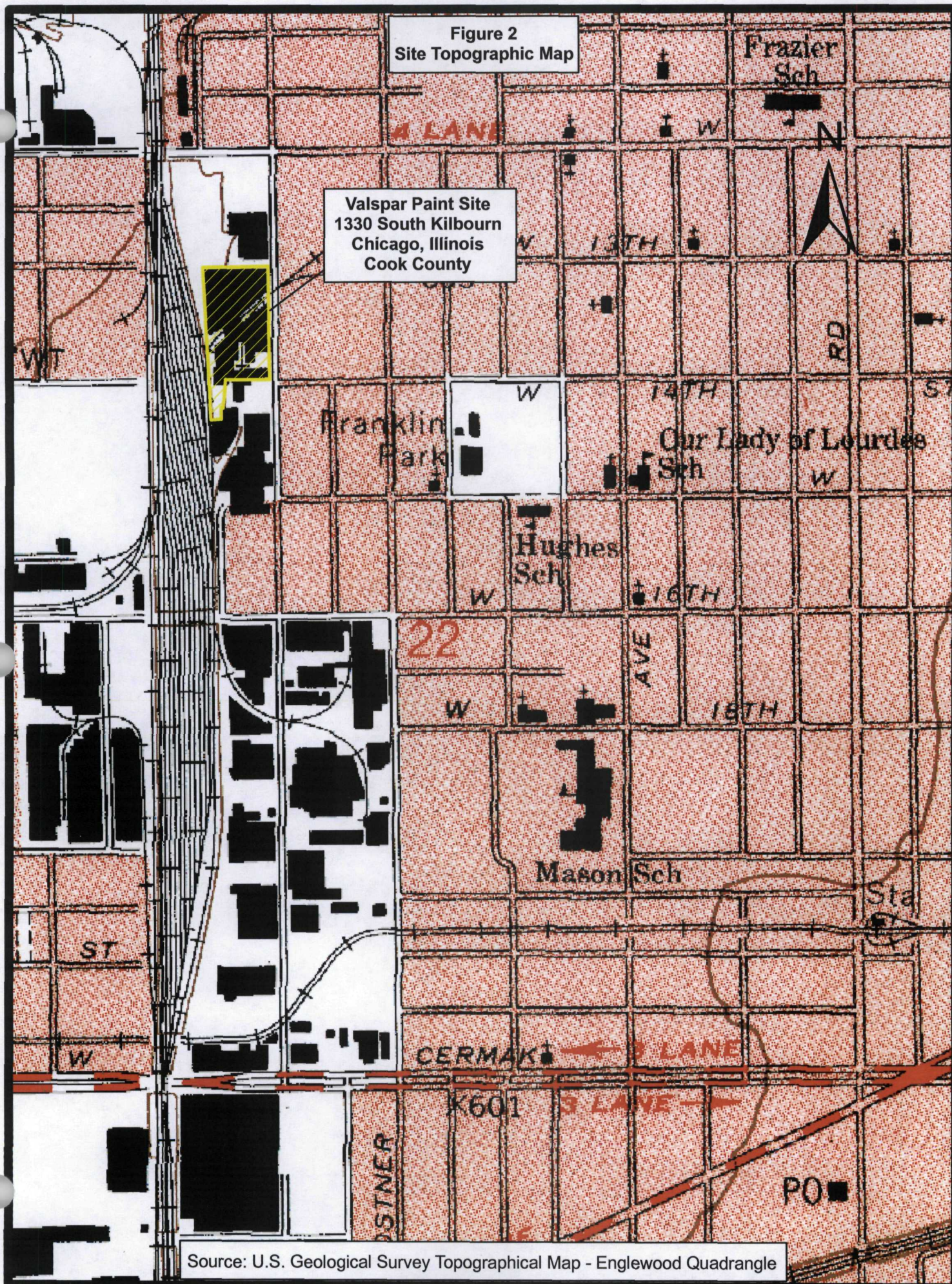
Figure 1
Site Location Map



Valspar Paint
Chicago, Illinois

Figure 2
Site Topographic Map

Valspar Paint Site
1330 South Kilbourn
Chicago, Illinois
Cook County



Source: U.S. Geological Survey Topographical Map - Englewood Quadrangle

Figure 3
Aerial Photograph
of
Valspar Paint Site



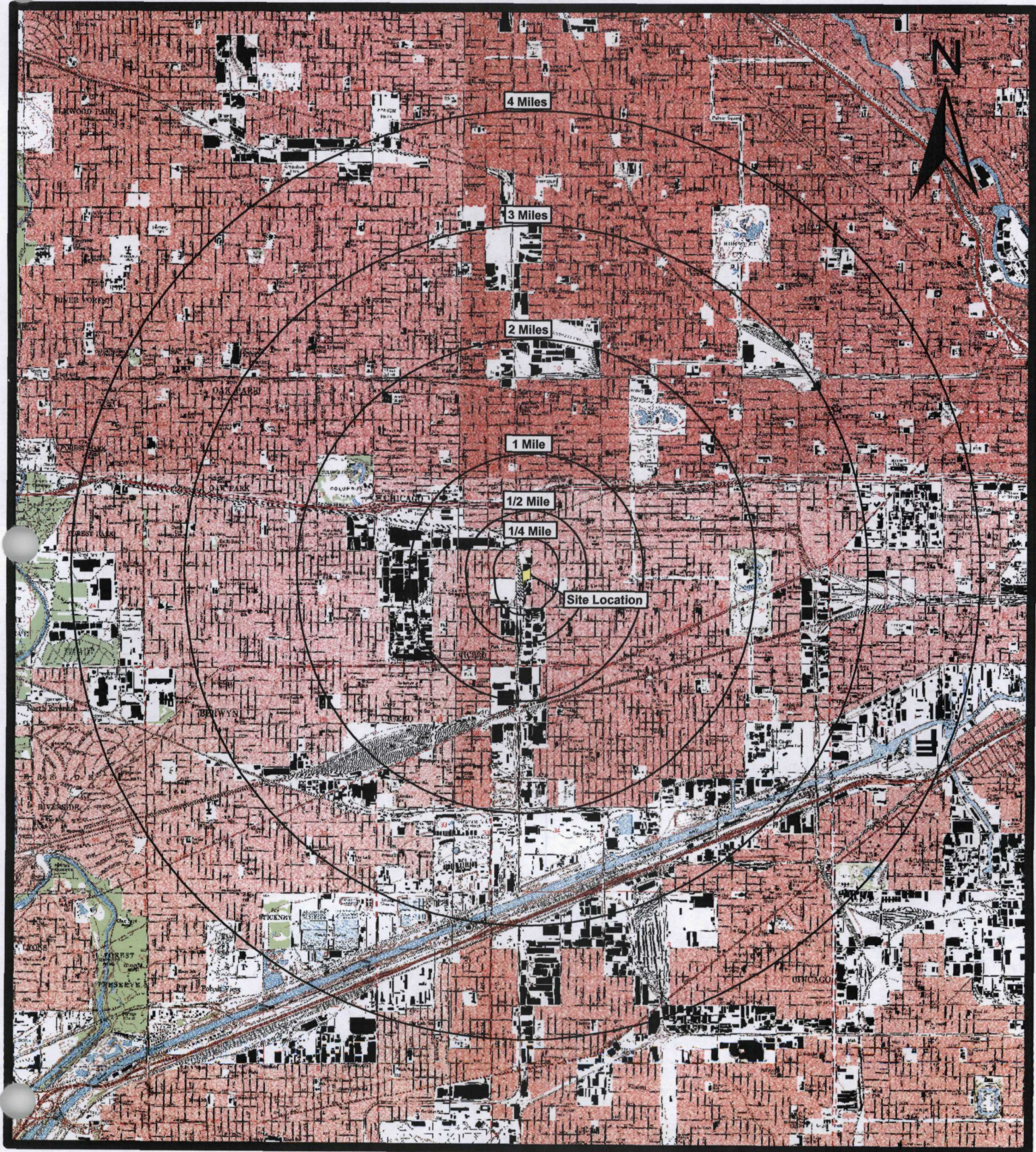
Approximate Boundary Of:
Valspar Paint Site
Chicago, Illinois

© 2007 Europa Technologies

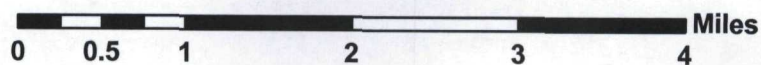
Map Source: Google Earth

APPENDIX A

**4 Mile Radius Map
Valspar Paint
Chicago, Illinois
ILD # 081040107**



MAP SCALE



APPENDIX B
SITE PHOTOGRAPHS

SITE NAME: Valspar Paint

CERCLIS ID: ILD 081 040 107

COUNTY: Cook

DATE: Jan. 25, 2008

TIME: 9:00 a.m.

PHOTO BY: B. Everetts

PHOTO NUMBER: 1

DIRECTION: South

COMMENTS: Photo taken from the Northwest corner of the abandoned Valspar Paint site.



DATE: Jan. 25, 2008

TIME: 9:00 a.m.

PHOTO BY: B. Everetts

PHOTO NUMBER: 2

DIRECTION: Southeast

COMMENTS: Photo taken from the Northwest corner of the abandoned Valspar Paint site.



SITE NAME: Valspar Paint

CERCLIS ID: ILD 081 040 107

COUNTY: Cook

TE: Jan. 25, 2008

TIME: 9:00 a.m.

PHOTO BY: B. Everetts

PHOTO NUMBER: 3

DIRECTION: South

COMMENTS: Photo taken from the Northeast corner of the abandoned Valspar Paint site.



DATE: Jan. 25, 2008

TIME: 9:00 a.m.

PHOTO BY: B. Everetts

PHOTO NUMBER: 4

DIRECTION: Southwest

COMMENTS: Photo taken from the Northeast corner of the abandoned Valspar Paint site.



SITE NAME: Valspar Paint

CERCLIS ID: ILD 081 040 107

COUNTY: Cook

TE: Jan. 25, 2008

TIME: 9:00 a.m.

PHOTO BY: B. Everetts

PHOTO NUMBER: 5

DIRECTION: West

COMMENTS: Photo taken of the abandoned Valspar Paint site looking across Kilbourn Avenue.



DATE: Jan. 25, 2008

TIME: 9:00 a.m.

PHOTO BY: B. Everetts

PHOTO NUMBER: 6

DIRECTION: Southwest

COMMENTS: Photo taken of the abandoned Valspar Paint site looking across Kilbourn Avenue.



SITE NAME: Valspar Paint

CERCLIS ID: ILD 081 040 107

COUNTY: Cook

DATE: Jan. 25, 2008

TIME: 9:00 a.m.

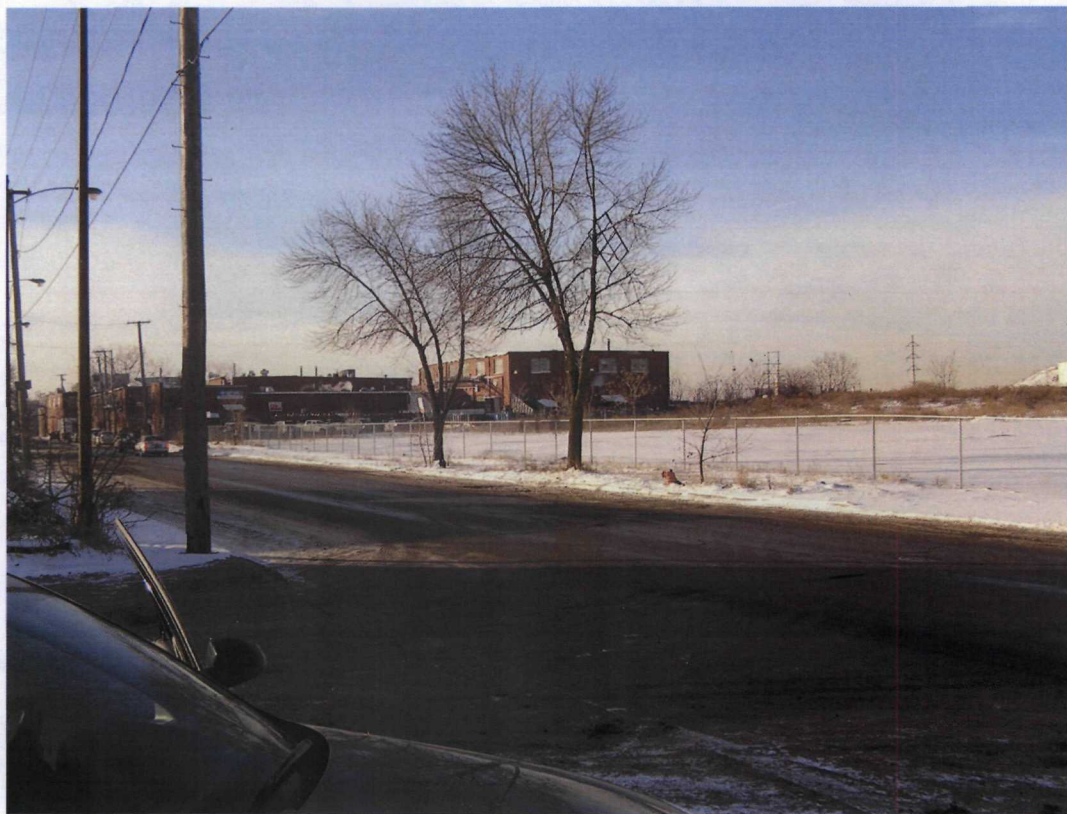
PHOTO BY: B. Everetts

PHOTO NUMBER: 7

ROLL NUMBER: 1

DIRECTION: S-Southwest

COMMENTS: Photo taken of the abandoned Valspar Paint site looking across Kilbourn Avenue.



DATE: Jan. 25, 2008

TIME: 9:00 a.m.

PHOTO BY: B. Everetts

PHOTO NUMBER: 8

DIRECTION: West

COMMENTS: Photo taken of the abandoned Valspar Paint site from the intersection of 14th Street and Kilbourn Avenue.



SITE NAME: Valspar Paint

CERCLIS ID: ILD 081 040 107

COUNTY: Cook

DATE: Jan. 25, 2008

TIME: 9:00 a.m.

PHOTO BY: B. Everetts

PHOTO NUMBER: 9

DIRECTION: Northwest

COMMENTS: Photo taken of the abandoned Valspar Paint site from the intersection of 14th Street and Kilbourn Avenue.



**APPENDIX C
CITY OF CHICAGO
GROUNDWATER ORDINANCE**

CHICAGO GROUNDWATER ORDINANCE

In May 1997, the Chicago City Council passed a groundwater ordinance, set forth below, prohibiting the installation of new potable water supply wells. The purpose is to limit the potential for persons to be exposed to contaminants by ingesting groundwater. Since new potable wells are prohibited, groundwater contamination is not a potential source of exposure for the vast majority of sites in the city. Limiting the potential exposure pathways to those posed by ingesting or inhaling soil makes cleanups more practical and cost effective. Site owners enrolled in the Illinois Site Remediation Program still must test and report groundwater impacts from their site, however.

The City of Chicago and the Illinois Environmental Protection Agency have a memorandum of understanding which acknowledges the City's groundwater ordinance as an acceptable "institutional control" under the state's TACO guidelines.

* * * * *

Municipal Code of Chicago, Illinois Chapter 11-8 WATER SUPPLY AND DISTRIBUTION SYSTEMS*

-
- * **Editor's note:** Coun. J. 3-28-01, p. 55444, § 1, repealed Ch. 11-8, in its entirety, which pertained to water supply and distribution systems. Subsequently, Amend Coun. J. 11-28-01, p. 72895, § 1 added provisions designated as § 11-8-390. Former Ch. 11-8 (title) has been restored at the discretion of the editor to accommodate inclusion of provisions designated as 11-8-390. See the Code Comparative Table.
-

11-8-390 Potable water wells.

For purposes of this section, "potable water" is any water used for human consumption, including but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce intended for human consumption is grown. No groundwater well, cistern or other groundwater collection device installed after May 14, 1997, may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by a unit of local government pursuant to intergovernmental agreement with the City of Chicago.

(Added Coun. J. 11-28-01, p. 72895, § 1)

**APPENDIX D
COPY OF
NO FURTHER REMEDIATION LETTER**

cc: Maywood Region

Chicago Regional Office

1240 Iroquois Avenue
Suite 206
Naperville, IL 60563
(630) 369-0201
Fax (630) 369-1279

Clayton
ENVIRONMENTAL
CONSULTANTS

January 5, 1999

Mr. Munib Ahmad
Permit Section
Division of Land Pollution Control
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
1021 N. Grand Avenue East
Springfield, IL 62702

Clayton Project 64664.24-001

RE: 0316005445—Cook County
Chicago / Valspar-Goodwill
Recording of NFR Letter
Site Remediation Program - Technical

Dear Mr. Ahmad:

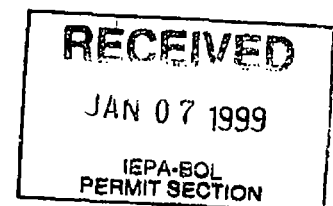
Enclosed is a copy of the No Further Remediation Letter for the above-referenced site stamped to show that it was recorded on December 29, 1998 as Document No. 08183134. Also enclosed is a copy of the Recorder's receipt. According to the Recorder's Office, a certified copy of the NFR letter will be returned in approximately six to eight weeks. We will forward a certified copy of the NFR letter to the Agency upon receipt.

If you have any questions or require further information, please call me at (630) 428-5815.

Sincerely,

Monte Mienkerk

Monte M. Nienkerk, P.G.
Senior Project Manager
Environmental Risk Management and Remediation
Chicago Regional Office



Enclosures

cc: Paul Robinson, Valspar (w/o enclosure)
Ronda Bayer, Valspar (w/o enclosure)
Michael Quinn, D'Ancona & Pflaum (w/o enclosure)
Norman Newman, Much Shelist Freed (w/o enclosure)

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**SCREENED
MM**

Illinois EPA Site Remediation Program Environmental Notice

PREPARED BY:

Name: The Valspar Corporation
1101 Third Street South
Minneapolis, MN 55440
Address:

COPY

RETURN TO:

Name: The Valspar Corporation
1101 Third Street South
Minneapolis, MN 55440
Address:

08181134

THE ABOVE SPACE FOR
RECORDER'S OFFICE

This Environmental No Further Remediation letter must be submitted by the remediation applicant within 45 days of its receipt, to the Registrar of Titles of Cook county.

Illinois State EPA Number: 0316005445

Mr. Paul Robinson with The Valspar Corporation, the Remediation Applicant, whose address is 1101 Third Street South, Minneapolis, MN 55415, has performed investigative and/or remedial activities for the remediation site depicted on the Site Base Map (Attachment 2) and identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries: See Attachment 1.
2. Common Address: 1330 South Kilbourn Avenue, Chicago, IL 60623
3. Real Estate Tax Index/Parcel Index Number: 16-22-106-017
4. Remediation Site Owner: American National Bank & Trust Company of Chicago, Trust No. 48495
5. Land Use Limitation: Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

Attachments: Attachment 1--Legal Description of the Property
Attachment 2--Site Map

**PROPERTY OWNER CERTIFICATION OF NFR LETTER
UNDER THE SITE REMEDIATION PROGRAM**

If the Remediation Applicant is not the sole owner of the remediation site, include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois Inventory I.D. number and real estate tax index/parcel index number. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information	
Owner's Name: <u>American National Bank & Trust Company of Chicago Trust No. 48495</u>	
Title: _____	
Company: _____	
Street Address: <u>33 N. LaSalle St.</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60690</u> Phone: <u>(312) 661-5000</u>	
Site Information	
Site Name: <u>Valspar Corporation</u>	
Site Address: <u>1330 South Kilbourn Avenue</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60623</u> County: <u>Cook</u>	
Illinois Inventory ID Number: <u>0316005445</u>	
Real Estate Tax Index/Parcel Index No. <u>16-22-106-017</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter, and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u><i>[Signature]</i></u> Date: <u>12/28/98</u>	
SUBSCRIBED AND SWORN TO BEFORE ME	
this <u>28th</u> day of <u>Dec.</u> , 19 <u>98</u>	
<u><i>[Signature]</i></u> Notary Public	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">OFFICIAL SEAL NANCY A SULAK NOTARY PUBLIC STATE OF ILLINOIS MY COMMISSION EXP. OCT. 28, 2001</div>

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 Mary A. Gade, Director

217/524-3300

November 23, 1998

CERTIFIED MAIL

P 344 292 271

P 344 292 272

Paul Robinson
The Valspar Corporation
1101 Third Street South
Minneapolis, Minnesota 55415

Norman Newman
American National Bank & Trust Company of Chicago
33 North LaSalle Street
Chicago, Illinois 60690

Re: 0316005445 -- Cook County
Valspar Corporation
ILD081040107
Received: September 9, 1998
Site Remediation - Technical

Gentlemen:

This letter is in response to the document entitled IEPA Site Remediation Program, Remedial Action Completion Report, Valspar/Goodwill Industries, Chicago, Illinois, dated September 1998, which was submitted on your behalf by Mr. Monte Nienkerk of Clayton Environmental Consultants, Inc. As you know, remediation activities were performed at the above-referenced site under an Interim Order on Consent (Nos. 89-C-5116 and 89-C-9068) entered in U.S. District Court on February 28, 1992, and Illinois EPA's Site Remediation Program. These remediation activities were performed to fulfill the requirements of the order and to obtain a comprehensive "No Further Remediation" (NFR) letter for the entire facility.

The interim order on consent required Valspar to conduct a site characterization whose objectives were: (1) determine status of all tanks on-site, including the 22 RCRA tanks; (2) determine the potential for releases to migrate into sewers or outside of the buildings; (3) determine if releases or leaks had occurred from the USTs; (4) determine whether a dust collector contained RCRA hazardous waste; and (5) determine the presence and depth of penetration of PCBs in areas where transformers were vandalized.

The application for enrollment into Illinois EPA's Site Remediation Program (SRP) was submitted by Mr. Nienkerk on July 17, 1997. Mr. Nienkerk submitted a report entitled IEPA Site Remediation Program, Site Investigation Report and Remediation Objectives Report, Valspar/Goodwill Industries, Chicago, Illinois, dated August 1997. This document consisted of two reports: (1) *Site Investigation Report*, and (2) *Remediation Objectives Report*. This document was approved by Illinois EPA subject to certain conditions and modification in a December 23, 1997 letter. The subject Remedial Action Completion Report is submitted as required by Item 11 of the Illinois EPA's December 23, 1997 letter, and contains documentation regarding completion

of the remaining remedial work performed at the site. The subject report is submitted to support issuance of a NFR letter for the entire site and indicates that there is no threat to human health or the environment as a result of the presence of the residual contaminants of concern in the soils with the necessary engineering and institutional controls.

The Remedial Action Completion Report is hereby approved. The following "recognized environmental conditions" (RECs) were properly addressed as part of the required remediation under the Interim Order on Consent and under the Site Remediation Program at the site:

1. Tanks, vessels and associated piping containing residual materials.
2. Lead-containing dust in production areas.
3. Potential asbestos-containing materials.
4. Dust collectors potentially containing RCRA hazardous waste.
5. Abandoned USTs with contaminated backfill.
6. Potential releases to sewers.
7. PCB contamination.
8. Abandoned drums with unknown contents.
9. IEPA sample results indicating soil contamination.
10. Lead contaminated soil along rail spurs.

The RECs identified in Items 3 through 7 above have been properly addressed under the above-mentioned Interim Order on Consent; the other RECs have been properly addressed under the Site Remediation Program. The City of Chicago completed demolition of all the buildings on the property in July 1998.

Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/58.10), your request for a comprehensive "No Further Remediation" determination is granted under the conditions and terms specified in this letter. Issuance of this NFR letter signifies a release from further responsibilities under the Act by completing the approved remedial action and shall be considered prima facie evidence that the remediation site located in both the SW¼ of the NE¼ of the NW¼ of Section 22, Township 39 North, Range 13 East, and the NW¼ of the SE¼ of Section 22, Township 39 North, Range 13 East, Cook County, Illinois; commonly known as 1330 South Kilbourn Avenue, Chicago, Illinois; described in the Legal Description of the Facility (Attachment 1) and shown in the Site Map (Attachment 2) does not constitute a threat to

Mr. Robinson/Mr. Newman
Page 3

human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms of this letter.

Pursuant to Section 58.10(d) of the Act, the No Further Remediation Letter shall apply in favor of the following persons:

1. The Valspar Corporation;
2. Mr. Norman Newman, American National Bank & Trust Company of Chicago; and
3. Mr. Howard Conant; American National Bank & Trust Company of Chicago as Trustee under Trust Agreement dated July 6, 1971, and known as Trust No. 75860; the beneficiaries of Trust No. 75860.

This letter, including all attachments, must be filed as a single instrument with the Office of the Recorder or Registrar of Titles of Cook County within 45 days of its receipt. This letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of Cook County in accordance with Illinois Law so that it forms a permanent part of the chain of title for the subject property. Within 30 days of this letter being recorded by the Office of the Recorder or Registrar of Titles of Cook County, a certified copy of this letter, as recorded, shall be obtained and submitted to the Illinois EPA.

A No Further Remediation Assessment Fee, in the amount of the lesser of \$2,500 or an amount equal to the costs incurred for the remediation site by the Illinois EPA for review and evaluation services shall be delivered or mailed to the Illinois EPA at the following address:

Illinois Environmental Protection Agency
Division of Administration
Fiscal Services #2
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The No Further Remediation Assessment Fee shall be made payable by check or money order to "Treasurer - State of Illinois for Deposit in the Hazardous Waste Fund". The check or money order shall identify the Illinois Inventory I.D. Number for the remediation site and the federal employer identification number. Request for final payment for the No Further Remediation Assessment Fee will be included with the final billing statement.

The terms and conditions of this NFR letter are as follows:

1. The property is restricted to industrial/commercial use.

2. Building 8 Heating Oil UST Area

One soil sample collected from one of the side walls of the excavation after removal of the Building 8 Heating Oil UST detected benzo(a)anthracene and benzo(a)pyrene at concentration exceeding Tier 1 industrial/commercial soil remediation objectives. This area was backfilled and covered with more than four feet of building brick and concrete demolition rubble. This rubble serves as a barrier, preventing contact with soil. The location of this engineered barrier is shown on Attachment 3. The soil contamination detected at this location does not pose a threat to human health or the environment provided this engineered barrier is properly maintained in the future.

3. Cooper's Pit and IEPA Sample Locations X110 and X111

Sample locations X110 and X111 which were collected in the vicinity of Cooper's Pit detected arsenic, ethylbenzene, xylene and PNAs exceeding the Tier 1 industrial/commercial soil remediation objectives. The remedial action for Cooper's Pit consisted of removal of all USTs followed by placement of 4 to 6 feet of clay-rich fill. The placement of clay cover over the backfill constitutes an engineered barrier over the Cooper's Pit. The contamination present in the Cooper's Pit backfill or detected at sample locations X110 and X111 does not pose a threat to human health or the environment provided this engineered barrier is properly maintained in the future. The location of engineered barrier is shown on Attachment 3.

4. Building 3F Electrical Room; Building 12 Electrical Room; Building 8 Generator Room; and Building 9B Generator Room

The PCB contamination at these areas was addressed by the use of following engineered barriers (shown on Attachment 3): (1) placement of a concrete pad over the PCB contaminated soil in Building 3F Electrical Room; (2) an 8" thick concrete pad and the overlying 7 feet of building brick and concrete demolition rubble within the Building 12 Electrical Room form an engineered barrier over the PCB contaminated soil remaining at this location; and (3) the engineered barrier at Building 8 Generator Room and Building 9B Generator Room consists of five feet of building brick and concrete demolition rubble. The PCB contamination present at these locations does not pose a threat to human health or the environment provided the above-mentioned engineered barriers are properly maintained in the future. Should the concrete cap covering the PCB contaminated soil in the Building 3F and Building 12 Electrical Rooms be disturbed, the PCB contaminated soil must be excavated and disposed in a Toxic Substance Control Act (TSCA) permitted incinerator or landfill.

5. Railroad Spurs and IEPA Sample Locations X104, X107, X108, X109, and X122

These areas contained lead contamination exceeding Tier 1 soil remediation objective. The lead contamination in soil is addressed by placement of an engineered barrier over these areas (shown on Attachment 3). The engineered barrier consists of a 15 foot wide, 3" thick

asphalt cap over a 2 to 3 inch thick compacted gravel base along the entire path of former railroad spurs. The lead contamination in soil in the vicinity of railroad spurs does not pose a threat to human health or the environment provided this engineered barrier is properly maintained in the future.

6. IEPA Sample Locations X114 and X115

These samples detected lead and arsenic at concentrations exceeding the Tier 1 soil ingestion exposure route remediation objectives in 35 Ill. Adm. Code Part 742 at a depth of 3 feet. The contamination detected at these sample locations does not pose a threat to human health or the environment provided at least 3 feet of clean soil is maintained over these sample locations.

7. IEPA Sample Location X105

This sample detected lead at a concentration exceeding the Tier 1 soil remediation objective. Tier 3 remediation objectives of 1,475 mg/kg for industrial/commercial and 669 mg/kg for construction worker were calculated to address the soil contamination detected at this location.

8. Building 11 UST Area and IEPA Sample X124

After removal of USTs from Building 11, confirmation soil samples were collected beneath each UST. Soil samples detected benzo(a)anthracene, benzo(a)pyrene, and arsenic at concentrations exceeding the Tier 1 (industrial/commercial) values. The backfill material was leveled out across the bottom of the excavation making the bottom more than three feet below surface grade. This area was backfilled and covered with more than three feet of building brick and concrete demolition rubble. The rubble serves as an engineered barrier and its location is shown on Attachment 3. The contamination detected at these sample locations does not pose a threat to human health or the environment provided the engineered barrier is properly maintained in the future.

9. Development of a Site Safety Plan

A site safety plan must be developed and implemented prior to conducting any future excavation activities in the areas identified in Items 2 through 8 above or in the vicinity of North UST and the South UST Areas, to address possible worker exposure to the soil in these areas.

10. Soil Management and Excavation

Any soil removed from areas identified in Items 2 through 8 above, or from the North UST and South UST Areas, during future activities must be managed as a special waste in accordance with 35 Ill. Adm. Code, Subtitle G: Waste Disposal.

11. The groundwater ingestion exposure route for this site is excluded under Subpart C of 35 Ill. Adm. Code 742 because of the existing City of Chicago ordinance prohibiting the use of groundwater for drinking water purposes (Municipal Code of Chicago, Section 11-8-390). There is a Memorandum of Understanding between the City of Chicago and Illinois EPA regarding the use of the ordinance as an environmental institutional control.
12. Further information regarding this site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
Attn: Freedom of Information Act Officer
Bureau of Land #24
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

13. Pursuant to Section 58.10(f) of the Act [415 ILCS 5/58.10(f)], should the Illinois EPA seek to void this NFR letter, the Illinois EPA shall provide notice to the current title holder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the avoidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result under Section 58.10(e)(1) through (7) of the Act [415 ILCS 5/58.10(e)(1) through (7)] in the avoidance of this NFR letter, but shall not be limited to:
 - a. Any violation of institutional controls or the industrial/commercial land use restrictions;
 - b. The failure to operate and maintain preventive or engineering controls described in this letter;
 - c. The disturbance and removal of contamination that has been left in place which is not consistent with the requirements of this letter;
 - d. The failure to comply with the recording requirements for the NFR letter;
 - e. Obtaining the NFR letter by fraud or misrepresentation;
 - f. Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the NFR letter was based, that pose a threat to human health or the environment; and
-

Mr. Robinson/Mr. Newman

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- g. The failure to pay the No Further Remediation Assessment Fee within 45 days after receiving a request for payment from the Illinois EPA.

Should you have any questions regarding this matter, please contact Munib Ahmad at 217/524-3300.

Sincerely,



Edwin C. Bakowski, P.E.
Manager, Permit Section
Bureau of Land

ECB:MA\mls\98721S.WPD

Attachments: Attachment 1 - Legal Description of Property
Attachment 2 - Site Map
Attachment 3 - Areas with Engineered Barriers

cc: Monte Nienkerk - Clayton Environmental
Thomas Gozdzia - AGO, Chicago
Howard Chinn - AGO, Chicago
Ronda Bayer - The Valspar Corporation
Karen Gordon - City of Chicago
Michael J. Quinn - D'Ancona & Pflaum
Pierre Talbert - Katz Randall & Wienberg
Howard Conant, Chicago, Illinois
Commissioner, Chicago Department of Environment
Bryan Keyt - Bell, Boyd & Lloyd

Attachment 1
Legal Description of Property
Valspar Corporation
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PARCEL 1:

THAT PART OF THE SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF THE NORTH WEST QUARTER, AND THE NORTH WEST QUARTER OF THE SOUTH EAST QUARTER OF THE NORTH WEST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF THE NORTH WEST QUARTER OF SAID SECTION 22, AND THE WEST LINE OF SOUTH KILBOURN AVENUE, SAID POINT BEING 33 FEET WEST OF THE EAST LINE OF SAID SOUTH WEST QUARTER; THENCE NORTH ALONG THE SAID WEST LINE, BEING A LINE DRAWN PARALLEL WITH SAID SOUTH WEST QUARTER, A DISTANCE OF 493.92 FEET TO A POINT ON THE SOUTH LINE OF A 16 FOOT EASEMENT FOR A SWITCH TRACK; THENCE SOUTH WESTERLY ALONG SOUTHERLY LINE OF SAID EASEMENT (SAID SOUTHERLY LINE FORMING AN ANGLE OF 55 DEGREES 02 MINUTES, MEASURED FROM SOUTH TO WEST WITH THE SAID WEST LINE), A DISTANCE OF 253.40 FEET TO A POINT OF CURVE; CONTINUING THENCE SOUTH WESTERLY ALONG A CURVED LINE, TANGENT TO LAST DESCRIBED LINE, CONVEXED TO THE NORTH WEST, AND HAVING A RADIUS OF 311.60 FEET, A DISTANCE OF 219.90 FEET (ARC) TO THE EAST LINE OF THE WEST 303 FEET OF THE EAST HALF OF THE NORTH WEST QUARTER OF AFORESAID SECTION 22; THENCE SOUTH ALONG THE EAST LINE OF SAID 303 FEET, A DISTANCE OF 170.35 FEET TO THE SOUTH LINE OF AFORESAID SOUTH WEST QUARTER; THENCE CONTINUING SOUTH INTO THE NORTH WEST QUARTER OF THE SOUTH EAST QUARTER OF THE NORTH WEST QUARTER OF SAID SECTION 22, A DISTANCE OF 143.12 FEET; THENCE EAST AT AN ANGLE OF 90 DEGREES 00 MINUTES 01 SECOND, AS MEASURED FROM SOUTH TO EAST WITH LAST COURSE, A DISTANCE OF 68.71 FEET; THENCE NORTH AT AN ANGLE OF 90 DEGREES 47 MINUTES 30 SECONDS, AS MEASURED FROM WEST TO NORTH WITH LAST COURSE, A DISTANCE OF 18.25 FEET; THENCE EAST AT AN ANGLE OF 90 DEGREES 44 MINUTES, AS MEASURED FROM SOUTH TO EAST WITH LAST COURSE, A DISTANCE OF 91.54 FEET; THENCE NORTH AT RIGHT ANGLES TO LAST COURSE, A DISTANCE OF 52.92 FEET; THENCE EAST AT RIGHT ANGLES TO LAST COURSE, A DISTANCE OF 172.12 FEET TO THE WEST LINE OF SOUTH KILBOURN AVENUE BEING A LINE DRAWN PARALLEL WITH AND 43.08 FEET WEST OF THE WEST LINE OF THE EAST 10 ACRES OF THE NORTH HALF OF THE SOUTH EAST QUARTER OF THE NORTH WEST QUARTER OF SAID SECTION 22; THENCE NORTH ALONG SAID WEST LINE, A DISTANCE OF 70.12 FEET TO THE NORTH LINE OF THE NORTH WEST QUARTER OF THE SOUTH EAST QUARTER OF THE NORTH WEST QUARTER OF SAID SECTION 22; THENCE WEST ALONG SAID NORTH LINE, A DISTANCE OF 2.13 FEET TO THE POINT OF BEGINNING.

ALSO

PARCEL 1-A:

EASEMENT FOR THE BENEFIT OF PARCEL 1 (EXCEPT THAT PART OF PARCEL 1 LYING SOUTH OF THE NORTH LINE OF WEST 14TH STREET) AS CREATED BY AGREEMENT MADE BY W. A. JONES FOUNDRY AND MACHINE COMPANY, AN ILLINOIS

Attachment 1
Legal Description of Property
Valspar Corporation
Chicago, Illinois 2 of 4

CORPORATION, WITH ARMSTRONG PAINT AND VARNISH WORKS, AN ILLINOIS CORPORATION, DATED AUGUST 14, 1919 AND RECORDED OCTOBER 2, 1919 AS DOCUMENT 6635309 FOR SWITCHTRACK PURPOSES OVER, ACROSS AND UPON THE FOLLOWING DESCRIBED PREMISES:

A 16 FOOT STRIP OF LAND IN THE SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF THE NORTH WEST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, THE SOUTH LINE OF WHICH 16 FOOT STRIP IS COINCIDENT WITH THE NORTH LINE OF PARCEL 1 HEREIN DESCRIBED.

ALSO

PARCEL 2:

PART OF A CERTAIN TRACT OF LAND IN THE SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF THE NORTH WEST QUARTER (EXCEPT THE WEST 303.0 FEET THEREOF) OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, CONVEYED BY W. A. JONES FOUNDRY AND MACHINE COMPANY TO THE CULLEN FREISTEED COMPANY, BY WARRANTY DEED DATED JANUARY 9, 1919 AND RECORDED IN THE OFFICE OF THE RECORDER OF COOK COUNTY, ILLINOIS ON JANUARY 9, 1919 AS DOCUMENT 6446431 IN BOOK 13219 PAGE 30 SAID PART BEING DESCRIBED AS FOLLOWS:

BEGINNING ON THE EAST LINE OF THE WEST 303.0 FEET OF SAID SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF THE NORTH WEST QUARTER AT A POINT 267.0 FEET SOUTH OF THE NORTH LINE THEREOF; THENCE EAST ON A LINE AT RIGHT ANGLES TO SAID EAST LINE OF THE WEST 303.0 FEET, 114.0 FEET TO A POINT; THENCE SOUTH ON A LINE PARALLEL TO THE EAST LINE OF THE WEST 303.0 FEET AFORESAID, 38.25 FEET TO THE INTERSECTION WITH THE NORTH WESTERLY LINE OF A 16.0 FOOT RIGHT OF WAY FOR SWITCH TRACK; THENCE SOUTH WESTERLY ALONG A CURVED LINE CONVEX TO THE NORTH WEST AND HAVING A RADIUS OF 329.33 FEET, A DISTANCE OF 183.36 FEET MORE OR LESS, TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 303.0 FEET AFORESAID; THENCE NORTH ON SAID EAST LINE OF THE WEST 303.0 FEET, 178.75 FEET TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRIANGULAR PIECE OF LAND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF THE WEST 303.0 FEET AFORESAID, 267.0 FEET SOUTH; THENCE EAST ON A LINE AT RIGHT ANGLES TO SAID LINE 32.33 FEET TO A POINT; THENCE SOUTH WESTERLY ON A CURVED LINE CONVEX TO THE NORTH WEST HAVING A RADIUS OF 346.0 FEET, A DISTANCE OF 80.91 FEET TO AN INTERSECTION WITH THE SAID EAST LINE OF THE WEST 303.0 FEET; THENCE NORTH ALONG SAID EAST LINE OF THE WEST 303.0 FEET, 74.0 FEET TO THE POINT OF BEGINNING)

ALSO

PARCEL 3:

THE SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF THE NORTH WEST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD

Attachment 1
 Legal Description of Property
 Valspar Corporation
 Chicago, Illinois 3 of 4

PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF TANGENCY IN THE NORTH WESTERLY LINE OF THE EXISTING RIGHT OF WAY FOR SWITCH TRACK ON SAID PROPERTY, BEING 16 FEET WIDE, WHICH POINT IS ON A LINE MAKING AN ANGLE WITH THE WEST LINE OF SOUTH KILBOURN AVENUE OF 55 DEGREES, 02 MINUTES FROM SOUTH TO SOUTH WEST AT 270.17 FEET SOUTH WEST OF THE WEST LINE OF SOUTH KILBOURN AVENUE; THENCE SOUTH WESTERLY ON A CURVE CONVEX TO THE NORTH WEST, WITH A RADIUS OF 329.33 FEET, A DISTANCE OF 86.89 FEET TO AN INTERSECTION WITH A LINE AT RIGHT ANGLES TO THE EAST LINE OF THE WEST 303.0 FEET OF SAID SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF THE NORTH WEST QUARTER AT A POINT 364.90 FEET SOUTH OF THE NORTH LINE OF SAID SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF THE NORTH WEST QUARTER WHICH POINT IS 49.69 FEET EAST OF THE EAST LINE OF THE SAID WEST 303.0 FEET; THENCE EAST ALONG SAID RIGHT ANGLE LINE, 21.19 FEET TO AN INTERSECTION WITH THE SOUTH EASTERLY LINE OF THE SAID RIGHT OF WAY, BEING A CURVED LINE, CONVEX TO THE NORTH WEST AND HAVING A RADIUS OF 313.33 FEET; THENCE NORTH EASTERLY ALONG SAID CURVED LINE, ~~89.89~~ 69.59 FEET TO A POINT OF TANGENCY; THENCE NORTH EASTERLY ON LINE TANGENT TO THE LAST DESCRIBED CURVED LINE, 12 FEET TO A POINT; THENCE NORTH WESTERLY 20 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM, HOWEVER, ALL THAT PART THEREOF BELOW A HORIZONTAL PLANE 50.75 FEET ABOVE CITY OF CHICAGO DATUM.

ALSO

PARCEL 4:

THAT PART OF THE NORTH WEST QUARTER OF THE SOUTH EAST QUARTER OF THE NORTH WEST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE WEST 303 FEET OF THE EAST HALF OF THE NORTH WEST QUARTER OF SAID SECTION 22, A DISTANCE OF 143.12 FEET SOUTH OF THE NORTH LINE OF THE NORTH WEST QUARTER OF THE SOUTH EAST QUARTER OF THE NORTH WEST QUARTER; THENCE EAST AT AN ANGLE OF 90 DEGREES 00 MINUTES 01 SECOND, AS MEASURED FROM SOUTH TO EAST WITH LAST COURSE, A DISTANCE OF 68.71 FEET TO THE EXTENSION NORTH OF THE WEST FACE OF A CONCRETE BLOCK BUILDING; THENCE SOUTH ALONG SAID EXTENSION AND WEST FACE, AT AN ANGLE OF 90 DEGREES 47 MINUTES 30 SECONDS, AS MEASURED FROM EAST TO SOUTH WITH THE EXTENSION EAST OF LAST COURSE, A DISTANCE OF 68.08 FEET TO A CORNER IN SAID BUILDING; THENCE WEST ALONG A NORTH FACE OF SAID BUILDING, AT RIGHT ANGLES TO LAST COURSE, A DISTANCE OF 32.60 FEET; THENCE SOUTH ALONG THE WEST FACE OF SAID BUILDING AND ITS EXTENSION SOUTH, AT AN ANGLE OF 89 DEGREES 12 MINUTES 46 SECONDS, AS MEASURED FROM EAST TO SOUTH WITH LAST COURSE, A DISTANCE OF 199.63 FEET; THENCE WEST AT AN ANGLE OF 89 DEGREES 34 MINUTES 34 SECONDS, AS MEASURED FROM NORTH TO WEST WITH LAST COURSE, A DISTANCE OF 26.35 FEET TO A POINT ON A LINE DRAWN FROM A POINT 200 FEET SOUTH OF THE NORTH LINE OF THE NORTH WEST QUARTER

Attachment 1
Legal Description of Property
Valspar Corporation
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OF THE SOUTH EAST QUARTER OF THE NORTH WEST QUARTER AND 312.11 FEET EAST OF THE WEST LINE OF THE EAST HALF OF THE NORTH WEST QUARTER OF SECTION 22, AND TO A POINT 311.55 FEET EAST OF THE WEST LINE OF THE EAST HALF OF THE NORTH WEST QUARTER OF SAID SECTION 22, AND ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH EAST QUARTER OF THE NORTH WEST QUARTER OF SAID SECTION 22; THENCE NORTH ALONG SAID LINE, A DISTANCE OF 210.30 FEET TO A POINT ON A LINE DRAWN PARALLEL AND 200 FEET SOUTH OF THE NORTH LINE OF THE NORTH WEST QUARTER OF THE SOUTH EAST QUARTER OF THE NORTH WEST QUARTER OF SAID SECTION 22; THENCE WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 9.15 FEET TO THE AFORE- SAID EAST LINE OF THE WEST 303 FEET; THENCE NORTH ALONG SAID EAST LINE, A DISTANCE OF 56.88 FEET TO THE POINT OF BEGINNING.

ALSO

PARCEL 5:

THAT PART OF THE EAST HALF OF THE NORTH EAST QUARTER OF THE NORTH WEST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF SOUTH KILBOURN AVENUE, SAID POINT BEING 219.68 FEET NORTH OF THE NORTH EAST CORNER OF SOUTH KILBOURN AVENUE AND WEST 14TH STREET AND RUNNING THENCE NORTH ALONG SAID EAST LINE OF KILBOURN AVENUE, SAID LINE BEING .33 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID EAST HALF, FOR A DISTANCE OF 284.41 FEET TO A POINT; THENCE NORTH EASTERLY ON A LINE WHICH FORMS AN ANGLE OF 55 DEGREES 00 MINUTES 30 SECONDS WITH THE EAST LINE OF KILBOURN AVENUE FOR A DISTANCE OF 23.03 FEET TO A POINT OF CURVE; THENCE NORTH EASTERLY ON A CURVED LINE CONVEX TO THE NORTH WEST TANGENT TO SAID LAST DESCRIBED LINE AND HAVING A RADIUS OF 250.00 FEET, A DISTANCE OF 158.60 FEET TO A POINT OF TANGENCY; THENCE EAST IN A STRAIGHT LINE TANGENT TO SAID LAST DESCRIBED CURVED LINE FOR A DISTANCE OF 42.22 FEET TO THE POINT OF INTERSECTION OF A LINE WHICH IS 210.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF KILBOURN AVENUE; THENCE SOUTH ON SAID LAST DESCRIBED PARALLEL LINE A DISTANCE OF 345.43 FEET TO A POINT, SAID POINT ALSO BEING 219.68 FEET NORTH OF THE NORTH LINE OF WEST 14TH STREET; THENCE WEST ON A LINE PARALLEL WITH THE NORTH LINE OF WEST 14TH STREET FOR A DISTANCE OF 210.00 FEET TO THE POINT OF BEGINNING.

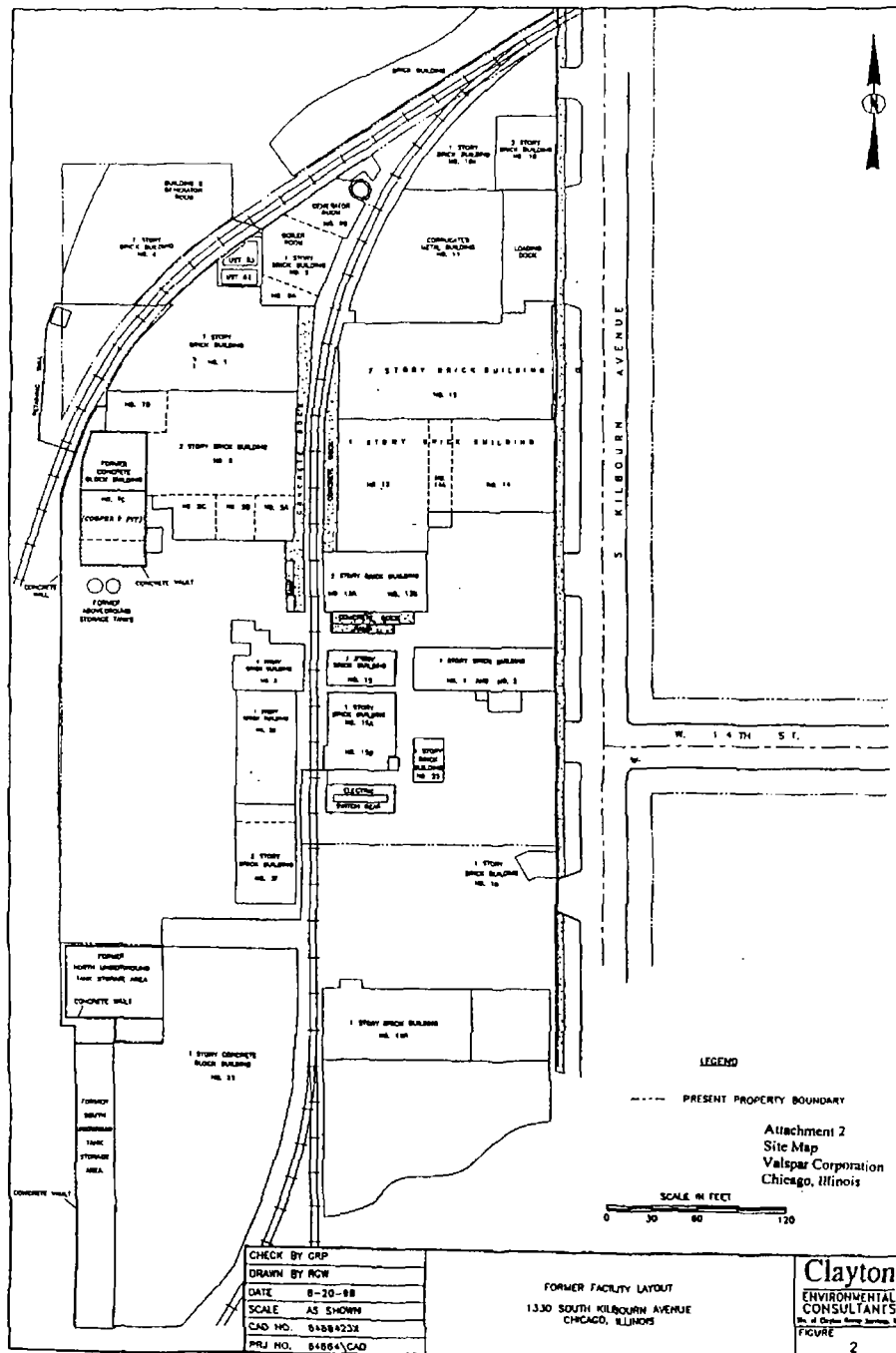
ALSO

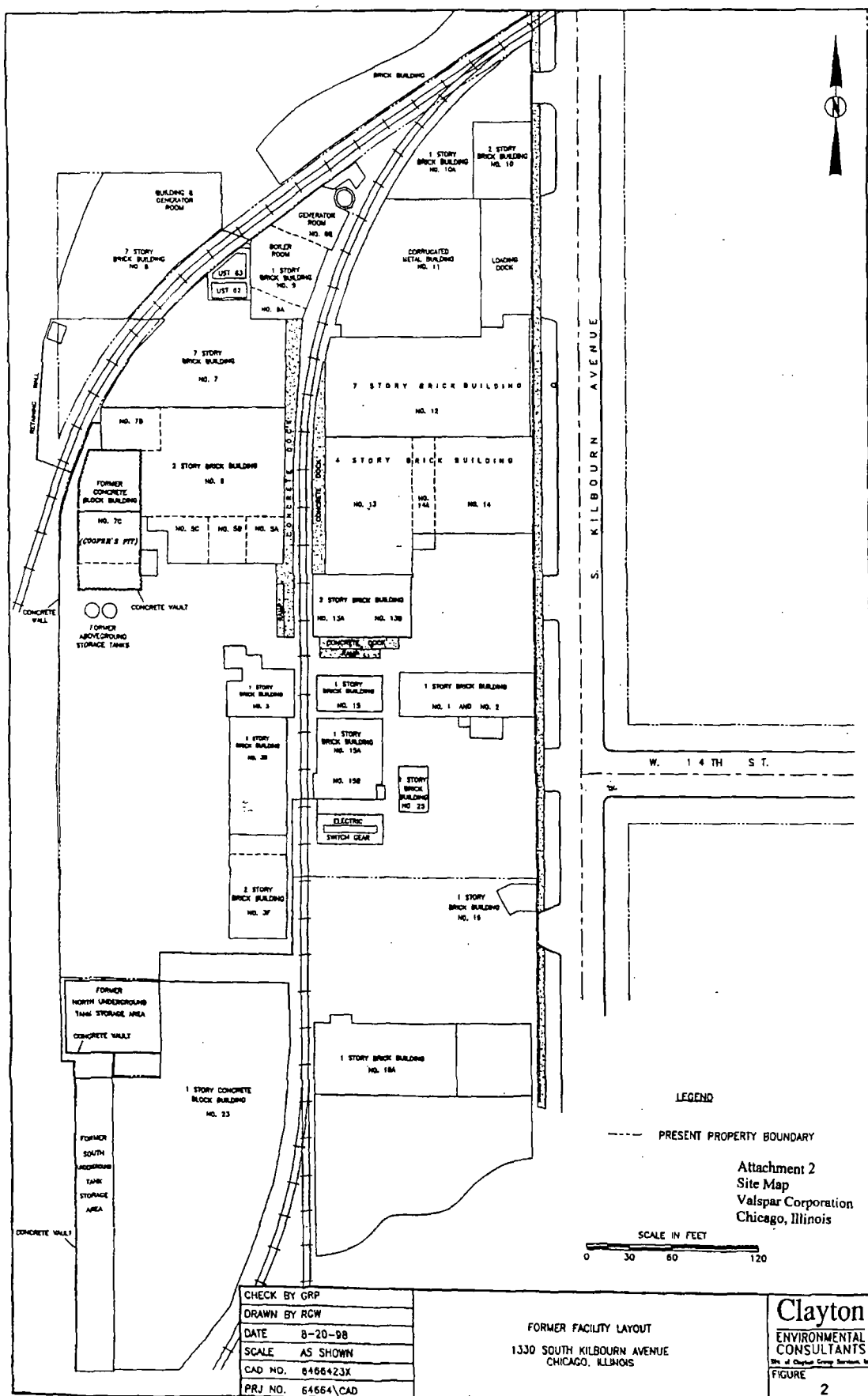
PARCEL 5-A:

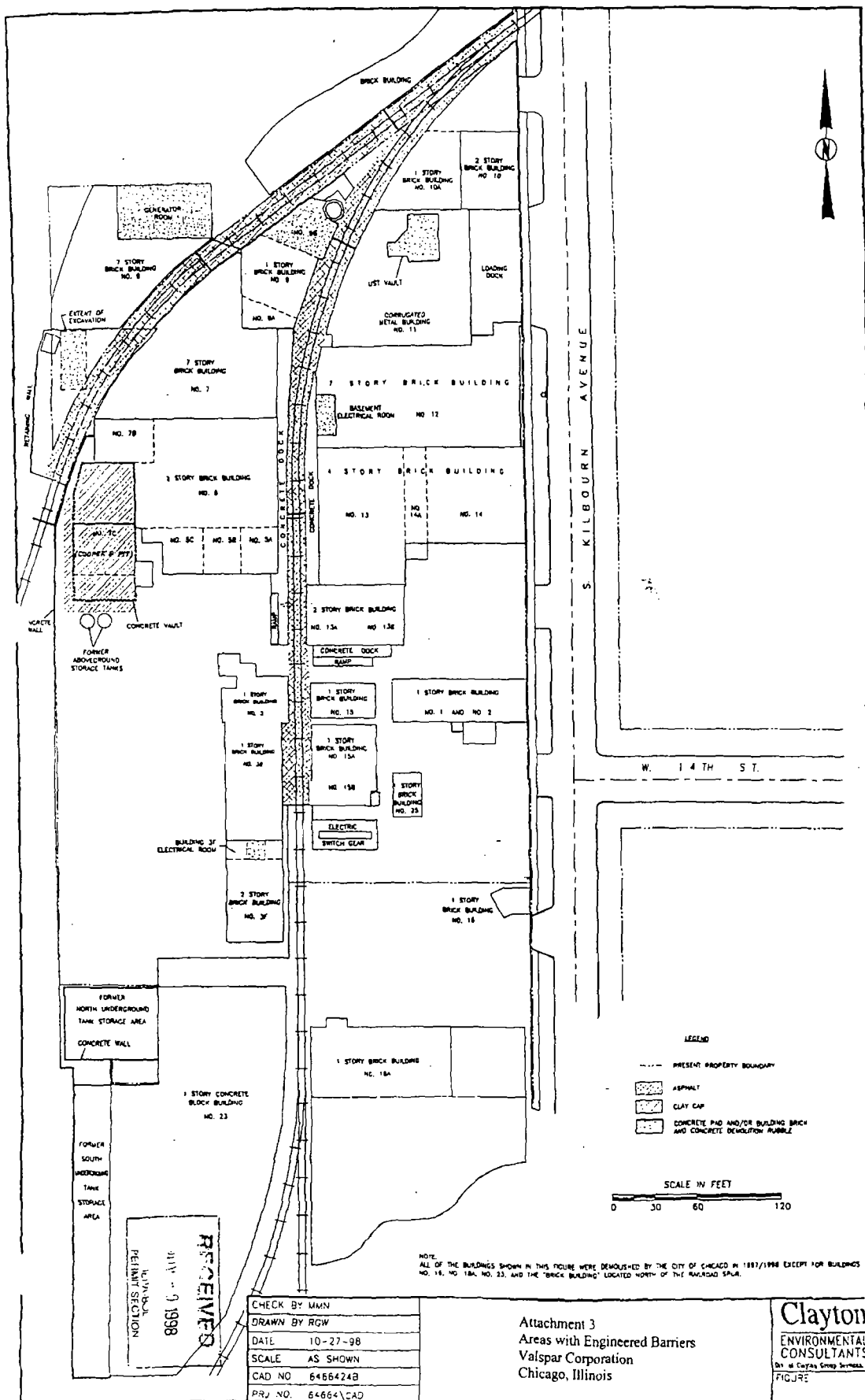
EASEMENT FOR THE BENEFIT OF PARCEL 5 AS CREATED BY DEED FROM W. A. JONES FOUNDRY AND MACHINE COMPANY, TO ARMSTRONG PAINT AND VARNISH WORKS, A CORPORATION OF ILLINOIS, DATED DECEMBER 8, 1952 AND RECORDED DECEMBER 10, 1952 AS DOCUMENT 15303613 FOR SWITCHTRACK PURPOSES OVER, ACROSS AND UPON THE FOLLOWING DESCRIBED PREMISES:

A 20 FOOT STRIP OF LAND IN THE EAST HALF OF THE NORTH EAST QUARTER OF THE NORTH WEST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, THE SOUTH LINE OF WHICH 20 FOOT STRIP IS COINCIDENT WITH THE NORTH LINE OF PARCEL 5 HEREIN DESCRIBED.

ALL IN COOK COUNTY, ILLINOIS.







**APPENDIX E
COPY OF SUPERFUND MEMORANDUM OF AGREEMENT
BETWEEN
ILLINOIS EPA
AND
U.S. EPA REGION 5**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

APR 08 1995

REPLY TO THE ATTENTION OF:

RA-19J

Mary A. Gade, Director
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276

Dear Ms. Gade:

We have received and reviewed your proposed Brownfield Amendment to the Superfund Memorandum Of Agreement (SMOA), which exists between the United States Environmental Protection Agency (U.S. EPA) Region 5, and the Illinois Environmental Protection Agency (IEPA).

We have concluded that such an amendment will serve our Agencies well, from the perspective of assisting economically depressed communities throughout the State of Illinois to achieve cleanups of potentially contaminated sites, and hopefully being able to return those sites to commercial viability.

It is our understanding that the enclosed SMOA amendment executed between the Federal Government and the State of Illinois is the first of its kind in the nation, and we are hopeful that this precedent will foster similar Federal/State partnership building with other States in Region 5, and the other Regions and their States throughout the country.

We have been made aware of HB 359, introduced in the Illinois Legislature, which proposes to eliminate the State Voluntary Cleanup Program as it now exists. If HB 359 is enacted into law, the enclosed SMOA amendment between our Agencies would no longer apply.

We look forward to pursuing these Brownfield endeavors with you, and appreciate your continuing participation in the Superfund Program.

Sincerely,

Valdas V. Adamkus
Regional Administrator

Enclosure

ADDENDUM NO. 1

SUPERFUND MEMORANDUM OF AGREEMENT
BETWEEN THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
AND THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION V

I. BACKGROUND

The Illinois Environmental Protection Agency ("IEPA") and the United States Environmental Protection Agency, Region V ("Region V") entered a Superfund Memorandum of Agreement (SMOA) effective December 18, 1991. Among other things, the SMOA established operating procedures for general Superfund program coordination and communication between IEPA and Region V.

II. BROWNFIELDS

In 1993 IEPA and Region V began developing strategies to promote the remediation and redevelopment of "Brownfield" sites. Both agencies recognize that a key factor to the Brownfields program in Illinois is for both agencies to exercise their authorities and use their resources in ways that are mutually complementary and are not duplicative. Two operational factors are important in this regard. First, the IEPA has successfully operated a voluntary cleanup since the late 1980s. This program, more formally known as the Pre-Notice Site Cleanup Program ("PNSCP"), provides guidance, assistance and oversight by IEPA to owners and operators of sites in Illinois who perform site assessment and remediation in accordance with the practices, and under the approval, of the IEPA. In addition IEPA has established a consistent cleanup objectives process across all its remediation programs (PWSRP, CERCLA, RCRA, and LUST) which is protective of human health and the environment. Second, USEPA has administered a national site assessment program to assess sites listed on the federal CERCLIS list. This assessment process identifies and prioritizes sites for remediation needs and also establishes a "no further remedial action planned" or NFRAP category of sites. As a result of the success of these two programs, IEPA and Region V have concluded that the principles and procedures set forth in this Addendum will meaningfully assist in the remediation and development of Brownfield sites.

III. PRINCIPLES

If a site in Illinois has been remediated or investigated under the practices and procedures of the Illinois PNSCP and IEPA has approved the remediation as complete or made a no-action determination upon review of an investigation, consistent with existing information the site will not be expected to require further response actions. Accordingly, Region 5 will not plan or anticipate any federal action under Superfund law unless, in exceptional circumstances, the site poses an imminent threat or emergency situation. Region 5 will also continue to work with Illinois to remove any concerns about federal activity under Superfund so as to encourage appropriate redevelopment.

This Principle does not apply to sites which have been listed on the National Priorities List or sites subject to an order or other enforcement action under Superfund law or sites imminently threatening public health or the environment. Future IEPA activities at the site will be based on the conditions of the remediation approval and whether any imminent threat subsequently arises.

IV. REPORTING

On an annual basis IEPA will report to Region V on the Following:

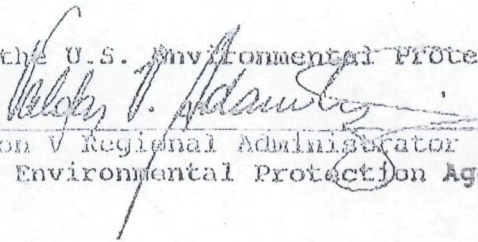
- 1) number of sites in the PNSCP;
- 2) sites entering the PNSCP the previous year;
- 3) sites having received approvals by IEPA of full or partial completions in the previous year;

For the Illinois Environmental Protection Agency



Director, Illinois Environmental Protection Agency

For the U.S. Environmental Protection Agency, Region V



Region V Regional Administrator
U.S. Environmental Protection Agency

Date

4/26/95.